

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**HAROLD D. WHITLEY,**

**Plaintiff,**

**v.**

**LAWAN ENGLISH,**

**Defendant.**

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**8:07CV488**

**ORDER**

This matter comes before the Court upon the plaintiff's Motion for Leave to Serve Summons by Publication (Filing No. 6), as well as the Summons Returned Unexecuted (Filing No. 5) by the Douglas County Sheriff and the Affidavit of Harold D. Whitley dated January 9, 2008 (Filing No. 7-3). The plaintiff shows service was attempted at the defendant's last known address without success and the plaintiff is unable to ascertain the defendant's current whereabouts. Based on these facts and pursuant to Fed. R. Civ. P. 4(e)(1) and Neb. Rev. Stat. § 25-517.02, service may be made upon Defendant Lawan English by publication. Upon consideration,

**IT IS ORDERED:**

The plaintiff's Motion for Leave to Serve Summons by Publication (Filing No. 6) is granted.

Dated this 9th day of January, 2008.

**BY THE COURT:**

s/Thomas D. Thalken  
United States Magistrate Judge